

## REMARKS

Claims 1, 5, 6, 8-10, 12-21, 24, 44, 64, 67, 70, 71, 74-78, 81, 82, 85, 86, 89, 90, 93-95, 99-101 and 105 were pending in this matter on the date of the Office Action. By this amendment, claims 19, 21, 24, 93, 95, 99 and 101 have been cancelled without prejudice or disclaimer as to the subject matter contained therein. Claim 1 has been amended to specify features of an annular support portion. Claims 20 and 64 have been amended to correct the dependency of those claims. Claims 15 and 77 have been amended to correct the format of those claims. Claims 106-113 have been added.

Claim 24 is rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement and 35 U.S.C. 112, second paragraph as being indefinite. As claim 24 has been cancelled, this rejection is now moot.

Claims 1, 5, 6, 8-10, 12-15, 24, 44, 64, 67, 70, 71, 74-77, 81, and 105 stand rejected as being anticipated by, or in the alternative as obvious over U.S. Patent 6,190,406 to Duerig et al. ("Duerig '406"). The Examiner has also rejected claims 16-18, 78, 82, 85, 86, 89, 90, 94, 95, 100 and 101 as being unpatentable over Duerig '406. Lastly, the Examiner has rejected claims 19-21, 93 and 99 as being unpatentable over Duerig '406 in view of U.S. Patent 6,015,429 to Lau et al. ("Lau '429").

The Examiner indicated that Duerig '406 provides a stent having a plurality of annular support portions comprising bar elements and connecting bars, wherein the connecting bars engage a region of the bar elements of the first annular support portion that projects in the longitudinal direction and wherein connecting bars engage a central portion of the second annular support portion. Claim 1 has been amended to recite that at least one annular support portion is formed by a bar element that extends in a meander configuration in the peripheral direction of the stent and has a direction of curvature which changes in the central region between two turning points. Furthermore, claim 1 has been amended to recite that at least one annular support portion is formed by a bar element that extends in a meander configuration in the peripheral direction of the stent wherein each two bar element portion that are adjacent in the peripheral direction of the stent and extend between the turning points form the limbs of a V-shape in an original state. Support for this amendment may be found in claims 93 and 95, now cancelled.

Amended claim 1 is patentably distinguished over Duerig '406, alone or in combination with Lau '429, because they do not teach or suggest all of the limitations of amended claim 1. Neither Duerig '406 nor Lau '429 provide a stent wherein at least one annular support comprises a bar element that has a direction of curvature which changes in the central region between two turning points and wherein each two bar element portion that form the annular support portion are adjacent in the peripheral direction of the stent and extend between the turning points form the limbs of a V-shape.

In the outstanding Office Action, the Examiner alleges that it would have been obvious to combine a bar element with a changing direction of curvature in its central region, as exemplified by in Fig. 1C at 114 of Lau '429, with a bar element of Duerig '406.

Assuming, *arguendo*, that the Examiner is correct in stating that Lau '429 teaches a bar element of a stent that changes its direction of curvature, there is no teaching or suggestion that a bar element having a meander configuration could have both a change in the direction of curvature between two turning points and form the limbs of a V-shape. Specifically, Lau '429 describes the configuration shown in Fig 1C as "ovoid shaped" not V-shaped (Column 10, Lines 53-56). While Lau '429 also provides a "V-shaped" configuration, this configuration is an alternative to the ovoid or egg-shaped configuration and not a supplement to it. One of the ordinary skill in the art would not have any motivation or suggestion to combine the changing direction of curvature of the bar elements of Lau '429 with bar elements forming a V-shape.

Therefore, claim 1, as amended, patentably distinguishes over Duerig '406 alone or in combination with Lau '429. Likewise, claims 5, 6, 8-10, 12-18, 44, 64, 67, 70, 71, 74-78, 81, 82, 85, 86, 89, 90, 94, 100 and 105, which depend from claim 1, either directly or indirectly, and contain all the limitations of claim 1, also patentably distinguish over Duerig '406 alone or in combination with Lau '429.

Claims 106-113 have been added. Support for these added claims may be found in claims 64, 13-18 and 20. Claims 106-113 also patentably distinguish over the cited prior art, either individually or in combination. Accordingly, the Applicants respectfully request reconsideration of the rejections based on the claim amendments made above and the issuance of a Notice of Allowance.

The outstanding Office Action was mailed on 8 July 2004. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, no petition for an

extension of time or accompanying fee is believed to be due in making this response. In this response, claims 19, 21, 24, 93, 95, 99 and 101 have been cancelled and claims 106-113 have been added. As a result, 41 claims, 1 of which is an independent claim, are currently pending. Therefore, no additional fees for added claims are believed to be due. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Cunniff", with a stylized flourish at the end.

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